IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9831 of 2005

Between:

1 M/s. Taj Residency, a Company incorporated under the Companies Act, 1956, having its registered office at "Taj Krishna" Banjara Hills,Hyderabad,
rep. by its Authorized Signatory Sri Rajiv Naraian General Manager- M/s. Taj Residency.
2. Sri S. Bhupal S/o. Late Krishna Ram Bhupal
R/o. Road No.1, Banjara Hills,Hyderabad.

..... PETITIONERS

AND

1 The Govt. of A.P, rep.by its Principal Secretary MA&UD Dept., Secretariat Hyderabad.
2 Municipal Corporation of Hyderabad Rep.by its Commissioner Tank Bund, Hyderabad.
3 The Chief City Planner, Municipal Corporation of Hyderabad Tank Bund, Hyderabad.
4 The Asst City Planner, Municipal Corporation of Hyderabad Circle-5, Khairtabad, Hyderabad.
5 Syed Ibrahim
R/o.H.No.6-3-52/A/38 Azamjha Bahdur Nagar,
Erammanzil Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction under Art.226 of the Constitution of India directing the Respondent authorities to immediately stop the construction activity and there after demolish all unauthorised structures that are being raised in the premises situated at H.No.6-3-252/A/38, Azamjha Bahdur Nagar, Errammanzil, Hyderabad.

Counsel for the Petitioners:MRV.AKSHAYA BABU

Counsel for the Respondent No.1: G.P.for Municipal Administration.
Counsel for the Respondent Nos.2 to 4 : Smt.G.Jyothi Kiran
Counsel for the Respondent No.5 : ..

The Court, at the stage of admission, made the following :

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for first respondent and the learned standing counsel appearing for respondents 2 to 4.

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 to 4 in taking necessary action on the basis of the complaints of the petitioners dated 31.03.2005 and 16.04.2005. The petitioners allege that the fifth respondent herein, has been proceeding with unauthorized constructions in the premises bearing No.6-3-252/A/38, Azamjha Bahdur Nagar, Erammanzil, Hyderabad, which is adjacent and abutting the first petitioner hotel situated at Road No.1, Banjara Hills, Hyderabad, thereby causing threat to the easementary rights of the petitioners. In the circumstances, the petitioners made representations dated 31.03.2005 and 16.04.2005 requesting the respondents 2 to 4 to take immediate action and stop the unauthorized construction activity by respondent No.5. However, the respondents 2 to 4 failed to respond. Hence this writ petition.

Having regard to the facts and circumstances of the case, without expressing any opinion as to the correctness of the allegations made by the petitioners, the writ petition is disposed of with a direction to the respondents 2 and 3 to consider the complaints made by the petitioners dated 31.03.2005 and 16.04.2005 and to pass appropriate orders in accordance with law, after affording due opportunity to the fifth respondent to rebut the allegations made against him, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. It is made clear that pending such exercise, in case the respondents 2 and 3 are prima facie satisfied about the alleged unauthorized constructions by the fifth respondent, it is open to them to direct the fifth respondent to stop further constructions forthwith.

The writ petition is accordingly disposed of. No costs.

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27.04.2005

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To

1 The Principal Secretary, MA&UD
Dept., Govt. of A.P, Secretariat Hyderabad.
2 The Commissioner, Municipal Corporation of
Hyderabad, Tank Bund, Hyderabad.
3 The Chief City Planner Municipal Corporation of Hyderabad
Tank Bund, Hyderabad.
4 The Asst., City Planner Municipal Corporation of Hyderabad
Circle-5, Khairtabad Hyderabad.
5 Two C.Cs to the G.P., for Municipal Administration, High
Court Buildings, Hyderabad (OUT).

6 2 CD copies.